

Compliance Assurance Assistance for EPA Region 9 Tribal Programs 2006 Funding Announcement

Agency Name: U.S. Environmental Protection Agency, Region 9

Funding Opportunity Title: Compliance Assurance Assistance for Region 9 Tribal Programs

Announcement Type: Initial Solicitation

Catalog of Federal Domestic Assistance Number: 66.310

Overview

EPA Region 9 is soliciting proposals for Tribal compliance assurance programs. EPA anticipates awarding approximately a total of \$100,000 in grants and/or cooperative agreements. EPA anticipates awarding 1 to 3 grants and/or cooperative agreements ranging in size from approximately \$30,000 to \$90,000. Eligible applicants are federally-recognized tribal governments in the Region 9 geographic area and intertribal consortia representing Tribes in the Region 9 geographic area.

The funding supports Tribal compliance activities including inspections for compliance with tribal laws, investigations, regulatory training, compliance assistance, outcome measurement, public education and outreach and studies relating to the causes, effects, extent, prevention, reduction and elimination of pollution. Priority projects, under the Office of Enforcement and Compliance Assurance, include protection of public health in Indian Country (including Tribal schools) for drinking water, solid waste, or other Tribal environmental priorities. Grants and/or cooperative agreements will be awarded under the following authorities: Clean Water Act, Section 104; Federal Insecticide, Fungicide, and Rodenticide Act Section 20; Clean Air Act, Section 103; Solid Waste Disposal Act, Section 8001; Safe Drinking Water Act, Section 1442; Toxic Substances Control Act, Section 10; Marine Protection, Research and Sanctuaries Act, Section 203; Indian Environmental General Assistance Program Act, 42 U.S.C. §4368b.

Important Dates:

September 1, 2006 -- Proposals must be received by EPA Region 9 no later than 5PM Pacific Standard Time

October 10, 2006 -- Complete review of proposals and applicants notified to submit full application and work plan

November 10, 2006 -- Full applications and work plans due to EPA

February 1, 2007 -- Awards made

The above dates, except for the **September 1, 2006** proposal due date, are anticipated and may

be subject to change. Late proposals will not be considered.

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Tribal Compliance Assurance Assistance for Region 9 Tribal Programs: 2006 Funding Announcement

Full Text Announcement

I. Funding Opportunity Description

EPA Region 9 is soliciting proposals for Tribal compliance assurance programs. The funding supports Tribal compliance activities including inspections for compliance with tribal laws, investigations, regulatory training, compliance assistance, outcome measurement, public education and outreach and studies relating to the causes, effects, extent, prevention, reduction and elimination of pollution. Priority projects under the Office of Enforcement and Compliance Assurance, include protection of public health in Indian Country for drinking water, tribal schools, solid waste, or other Tribal environmental priorities. Grants and/or cooperative agreements will be awarded under the following authorities: Clean Water Act, Section 104; Federal Insecticide, Fungicide, and Rodenticide Act Section 20; Clean Air Act, Section 103; Solid Waste Disposal Act, Section 8001; Safe Drinking Water Act, Section 1442; Toxic Substances Control Act, Section 10; Marine Protection, Research and Sanctuaries Act, Section 203; Indian Environmental General Assistance Program Act, 42 U.S.C. §4368b.

The public health and environmental protection focus of the project must relate to compliance assistance, compliance assurance, and enforcement of environmental regulations with respect to tribal drinking water, tribal schools, and solid waste disposal on tribal lands. In addition, these activities should relate to the gathering or transferring of information or advancing the state of knowledge. Grant proposals should emphasize this “learning” concept, as opposed to “fixing” an environmental problem via a well-established method. Demonstrations generally must involve new or experimental technologies, methods, or approaches, where the results of the project will be disseminated so that others can benefit from the knowledge gained in the demonstration project. A project that is accomplished through the performance of routine, traditional, or established practices, or a project that is simply intended to carry out a task rather than transfer information or advance the state of knowledge, however worthwhile the project might be, is not a demonstration.

EPA is interested in funding projects which also address long term compliance of environmental regulations through increased awareness of and behavior changes by the regulated community, e.g., the use of a community-based social marketing (CBSM) approach. This approach entails research, barrier identification, identification and development of solutions, outreach and partnerships. Projects with transferability and a communication plan to make that transfer to other potentially interested parties will be considered within the review criteria (See section V).

These funds are available to improve the quality of environmental data, train tribal environmental professionals on the legal and technical aspects of compliance and enforcement issues, enhance tribal inspector capacity through specialized inspector training,

and address compliance issues associated with solid waste, tribal schools, and public water systems.

NOTE: Research is not eligible for funding.

Linkage to EPA Strategic Plan

These sources of funding are distributed as part of EPA's Operating Funds under Goal 5 - Compliance and Environmental Stewardship, Objective 5.1 - Improve Compliance, Sub-objective 5.1.1 - Compliance Assistance, Sub-objective 5.1.2 - Compliance Incentives, and Sub-objective - 5.1.3 Monitoring and Enforcement which improve environmental performance through compliance with environmental requirements, preventing pollution, and promoting environmental stewardship; protect human health and the environment by encouraging innovation and providing incentives for governments, business and the public that promote environmental stewardship.

EPA's Strategic Plan can be found on the following web page:

<http://www.epa.gov/ocfo/plan/2003sp.pdf>

Environmental Results

Pursuant to EPA Order 5700.7, "*Environmental Results under EPA Assistance Agreements*," EPA requires that all grant recipients adequately address environmental outputs and outcomes. Outputs and outcomes differ both in their nature, and in how they are measured.

Outputs: The term "output" means an environmental activity, effort, and/or associated work products related to an environmental goal and objective, that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period.

Outcomes: The term "outcome" means the result, effect or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, but must be quantitative. They may not necessarily be achievable within an assistance agreement funding period. Proposed projects are expected to accomplish various environmental outcomes to the extent practicable and include various environmental outputs.

Program Authorities

The Tribal Priority starts from the premise that compliance assurance and enforcement pertaining to drinking water and waste management are significant focus areas. These resources may also be made available for other, targeted compliance assurance and enforcement activity in Indian country, including Tribal Schools, if the areas identified are of higher concern from a regional perspective.

These activities are authorized by the following statutes:

Clean Water Act, Section 104(b) (3): conduct and promote the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution.

Safe Drinking Water Act, Section 1442(c)(3)(A): develop, expand, or carry out a program (that may combine training, education, and employment) for training persons for occupations relating to the public health aspects of providing safe drinking water including underground injection control (UIC)

Solid Waste Disposal Act, Section 8001(a): conduct and promote the coordination of research, investigations, experiments, training, demonstrations, surveys, public education programs, and studies relating to solid waste (e.g., health and welfare effects of exposure to materials present in solid waste and methods to eliminate such effects).

Clean Air Act, Section 103(b) (3): conduct research, investigations, experiments, demonstrations, surveys, and studies relating to the causes, effects (including health and welfare effects), extent, prevention, and control of air pollution.

Toxic Substances Control Act, Section 10(a) as amended by Public Law 106-74: conduct research, development, monitoring, public education, training, demonstrations, and studies on toxic substances.

Federal Insecticide, Fungicide, and Rodenticide Act, Section 20(a) as amended by Public Law 106-74: conduct research, development, monitoring, public education, training, demonstrations, and studies on pesticides.

Indian Environmental General Assistance Program Act, 42 U.S.C. §4368b: Activities eligible for funding under this program are those for planning, developing, and establishing capability to implement environmental protection programs including development of solid and hazardous waste programs.

II. Award Information

EPA Region 9 anticipates awarding approximately \$100,000 in grants and/or cooperative agreements. EPA Region 9 anticipates awarding 1 to 3 grants and/or cooperative agreements ranging in size from approximately \$30,000 to \$90,000. If cooperative agreements are awarded, EPA will have substantial involvement with the project work plans and budgets. Substantial involvement includes developing work plans jointly between EPA and grantee, reviewing progress through meetings and conference calls and generally a closer relationship between the project officer at EPA and the grant manager for the Tribe.

Funding for these projects is not guaranteed and is subject to the availability of funds. EPA reserves the right to reject all proposals or applications and make no awards under this announcement. EPA is not bound by any estimates in this announcement.

EPA reserves the right to partially fund proposals by funding discrete activities, projects, or phases of proposed proposals. If EPA decides to partially fund proposals, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the proposal, or portion thereof, was evaluated and selected for award, and that maintains the integrity of the

competition and evaluation/selection process. However, if practicable, EPA encourages applicants to identify discrete portions of projects and the funding associated with them.

III. Eligibility Information

A. Eligible Applicants

The following governments and intertribal consortia are eligible to apply: federally-recognized tribal governments in the Region 9 geographic area and intertribal consortia representing Tribes in the Region 9 geographic area.

B. Threshold Eligibility Criteria

To be eligible, applicants and proposed projects will need to meet all of the following threshold criteria. Threshold criteria will be applied on a pass/fail basis. Failure to meet any of them will render an application ineligible; ineligible applications will not be reviewed. Please note there are no limitations on the number of unique applications that an applicant may submit. Applicants who do not meet any one of the threshold criteria will be notified within 15 business days of making the determination that they did not meet the threshold eligibility criteria.

Threshold Criterion 1: Geographic Focus

The project must take place in EPA Region 9 Indian Country.

Threshold Criterion 2: Allowable Activities (see Section I, Program Authorities, for more information)

The project must consist of activities authorized under one or more of the following EPA grant authorities:

- Clean Water Act, Section 104(b) (3),
- Safe Drinking Water Act, Section 1442(c)(3)(A),
- Solid Waste Disposal Act, Section 8001(a),
- Clean Air Act, Section 103(b) (3),
- Toxic Substances Control Act, Section 10(a)
- Federal Insecticide, Fungicide, and Rodenticide Act, Section 20(a); and
- Indian Environmental General Assistance Program (GAP) Act, 42 U.S.C. 4368b.

Threshold Criterion 3: Environmental Focus

The public health and environmental protection focus of the project must relate to compliance assistance, compliance assurance, and enforcement of environmental regulations with respect to tribal drinking water, tribal schools, and solid waste disposal on tribal lands. A proposal may include other environmental priorities identified by the tribe and must be covered by the authorities authorized in the statutes specified under Threshold Criterion 2 above.

Threshold Criterion 4: Due Date **September 1, 2006**

Proposals must be submitted by the due date. Late Proposals will not be considered.

C. Matching funds are not required under this solicitation; however, applicants will be

evaluated on their ability to leverage funds, see section V. Application Review Criteria.

IV. Application and Submission Information

Proposals must be limited to five pages. Font size must be no smaller than 12. If proposals exceed five pages, only the first five pages of the proposal will be considered in the review process; however, see below for exception to the 5 page maximum length. Full application packages must not be submitted at this time.

Content and Form of Proposal Submission

The following format should be used for all proposals:

1. Name of Project
2. Point of contact (Individual and Organization Name, Address, Phone Number, Fax Number, E-mail Address)
3. Proposed amount of federal funding. Also include, leveraging of other resources, if other resources are to be utilized.
4. Description of general budget proposed to support project
5. Project geographic area
6. Project description including:
 - A. The relationship of the proposed project to the priorities identified in this notice as stated in section **I. Expected Outputs and Outcomes**.
 - B. Tribal Priority strategy to address compliance on tribal lands, improve protection of public health for tribal schools, drinking water and address solid waste or to address other high priority tribal environmental needs, issues, or interests.
 - C. Plan for tracking and measuring its progress toward achieving the expected outputs and outcomes identified in Section I of the announcement. Measure of success should be either measures of environmental improvement, or should be directly linked to such measures. EPA will look for quantitative and qualitative measurements.
 - D. Expected accomplishments or product, with dates, and interim milestones. This section should also include a discussion of a communication plan for distributing the project results to interested parties.
 - E. How well the proposal details an approach which addresses long-term compliance issues (for example: community-based social marketing).
 - F. Past Performance: submit a list of all EPA and other Federal Agency assistance agreements that your organizations performed in the last three years and describe how you documented and/or reported on your progress towards achieving the expected results (e.g., outcomes and outputs) under those agreements. If you were not making progress, please indicate how you documented why you were not making progress. In evaluating applicants under this factor, EPA will consider the information provided by the applicant and may also consider other relevant information from other sources, including information from EPA files and from current and prior Federal agency grantors (e.g., to verify and/or

supplement the information provided by the applicant). Applicants with no relevant or available information will receive a neutral score for this factor under Section V.

G. Programmatic Capability: submit a list of all Federally funded projects similar in size, scope and relevance to the proposed project that your organization performed within the last three years and describe your: (i) technical ability to successfully carry out those projects, (ii) history of meeting the reporting requirements under these agreements including submitting acceptable final technical reports, (iii) organizational experience and plan for timely and successful achievement of the objectives of the proposed project, and (iv) staff expertise/qualifications, staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed project.

Note: Applicants must submit information relating to the programmatic capability criteria to be evaluated under ranking factor(s) in Section V of this announcement. EPA will consider information provided by the applicant and may consider information from other sources including Agency files. Applicants with no relevant or available information will receive a neutral score for this factor under Section V.

Exception to the five page maximum: Pages within the proposal which specifically address the evaluation criteria for Past Performance and Programmatic Capability will not count toward the five page limit if the relevant text is clearly labeled as addressing the beginning and end of “Past performance and Programmatic Capability.”

Submission Dates and Times

Hardcopy via Mail: Proposals must be received by EPA Region 9 no later than **5PM Pacific Standard Time on September 1, 2006. Late Proposals will not be reviewed.**

Send hardcopy proposals to:

**Kate Nooney
U.S. EPA Region 9 (OPA-1)
75 Hawthorne Street
San Francisco, CA 94105**

Electronically: We will accept materials in the following formats: Microsoft Word, Corel WordPerfect, or Adobe Acrobat (PDF). E-Mail proposals to: nooney.kate@epa.gov. Proposals must be received via e-mail no later than **5PM Pacific Standard Time on September 1, 2006. Late proposals will not be reviewed.**

Confidential Business Information:

It is recommended that confidential information not be included in the proposals. However, if confidential business information is included, it will be treated in accordance with 40 CFR Part 2. Pursuant to 40 CFR 2.203, applicants must clearly mark applications/proposals or portions of applications/proposals they claim as confidential. EPA will evaluate confidentiality claims in accordance with 40 CFR Part 2, Subpart B. If no claim of confidentiality is made, EPA is not

required to make the inquiry to the applicant otherwise required by 40 CFR 2.204(c)(2) prior to disclosure.

Intergovernmental Review:

Federally Recognized Indian Tribes and Tribal Consortia are not required to comply with the Intergovernmental Review Process and/or consultation provisions of Executive Order 12372. Applicants may consult the Regional Indian Program Coordinator designated as the single point of contact for more information.

DUNS: All applicants applying for funding, including renewal funding, must have a Dun and Bradstreet Universal Data Numbering System (DUNS) number. Applicants that do not already have a DUNS number may find instructions for obtaining one at the following website: <http://www.grants.gov/GetStarted>. A DUNS number may also be obtained by calling 1-866-705-5711.

Pre-proposal/Application Communications and Assistance:

EPA will respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the proposal, and requests for clarification about the announcement. However, in accordance with EPA's Competition Policy of January 11, 2005 (EPA Order 5700.5A1), EPA staff will not meet with individual applicants to discuss draft proposals, provide informal comments on draft proposals, or provide advice to applicants on how to respond to ranking criteria. Applicants are responsible for the contents of their applications.

V. Application Review Criteria

Proposals will be evaluated and ranked based on the following criteria:

- 30 points: The relationship of the proposed project to the priorities identified in this notice as stated in section **I. Expected Outputs and Outcomes**.
- 25 points: Tribal Priority strategy to address compliance on tribal lands, improve protection of public health for tribal schools, drinking water and address solid waste or to address other high priority tribal environmental needs, issues, or interests.
- 10 points: Leveraging of other resources. Applicants will be evaluated based on the extent they demonstrate (i) how they will coordinate the use of EPA funding with other Federal and/or non Federal sources of funds to leverage additional resources to carry out the proposed project and/or (ii) that EPA funding will compliment activities relevant to the proposed project(s) carried out by the applicant with other sources of funds or resources.
- 15 points: Plan for tracking and measuring its progress toward achieving the expected outputs and outcomes identified in Section I of the announcement. Measure of success should be either measures of environmental improvement, or should be directly linked to such measures. EPA will look for quantitative

and qualitative measurements.

- 10 points: Effective communication plan to transfer results of the project to other potentially interested parties.
- 5 points: How well the proposal details an approach which addresses long-term compliance issues (for example: community-based social marketing).
- 10 points: Past Performance: submit a list of all EPA and other Federal Agency assistance agreements that your organizations performed in the last three years and describe how you documented and/or reported on your progress towards achieving the expected results (e.g., outcomes and outputs) under those agreements. If you were not making progress, please indicate how you documented why you were not making progress. In evaluating applicants under this factor, EPA will consider the information provided by the applicant and may also consider other relevant information from other sources, including information from EPA files and from current and prior Federal agency grantors (e.g., to verify and/or supplement the information provided by the applicant). Applicants with no relevant or available information will receive a neutral score for this factor.
- 10 points: Programmatic Capability: submit a list of all Federally funded projects similar in size, scope and relevance to the proposed project that your organization performed within the last three years and describe your: (i) technical ability to successfully carry out those projects, (ii) history of meeting the reporting requirements under these agreements including submitting acceptable final technical reports, (iii) organizational experience and plan for timely and successfully achievement of the objectives of the proposed project, and (iv) staff expertise/qualifications, staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed project. EPA will consider information provided by the applicant and may consider information from other sources including Agency files. Applicants with no relevant or available information will receive a neutral score for this factor.

Each eligible proposal will be evaluated by a panel of EPA staff based on the criteria set forth above. In your proposal, please make sure that you address each criterion. The evaluation criteria and corresponding point values are listed above. **The maximum score is 115 points.** Staff with knowledge of program elements will review proposals submitted under this announcement. Based on their review, evaluation and ranking of proposals the panel will provide preliminary recommendations to senior management on whether an applicant's proposal should be selected for funding. The approval official will make the final funding decisions based on the review panel recommendations and may also consider program balance in making final funding decisions. Selected organizations will be notified and requested to submit a full application.

VI. Award Administration Information

Following final selections, all applicants will be notified regarding the status of their application. EPA will notify selected and non-selected applicant(s) in writing within 15 calendar days after internal award recommendation decisions are made. For selected applicants, the notification, which advises that the applicant's proposal is selected by review panel and recommended for award, is not an authorization to begin the project activities.

Award Notices: Recipient's whose proposal is selected will be notified to submit a formal application for funding. These recipients will be invited to submit a detailed work plan and complete application for funding. Receipt of an application by EPA is not a guarantee for funding. Deadlines must be met and the work plan approved by the EPA Project Officer for funding to occur.

Grant agreements with Tribal governments and Tribal Consortia are subject to 40 CFR Part 31 and OMB Circular A-87. A listing and description of general EPA Regulations applicable to the award of assistance agreements may be viewed at:

<http://www.epa.gov/ogd/grants/regulations.html>. All costs incurred under this program must be allowable under the applicable OMB Cost Circulars. Copies of the circulars can be found at: <http://www.whitehouse.gov/omb/circulars>.

In certain circumstances costs incurred prior to the grant award may be eligible for reimbursement. However, this does not include any costs associated with responding to this solicitation or in finalizing the application package. If costs are incurred before the award, they are incurred at the applicant's or grantee's own risk.

Funding Restrictions: Successful applicants will be required to certify that they have not been debarred or suspended from participation in federal assistance awards in accordance with 40 CFR 32. Funding will not be permitted for construction activities, lobbying, entertainment expenses or other unallowable costs under the OMB circulars. Applicants should be aware that they are not authorized to begin performance on a project until they have received their official award document from the EPA's grant office. No pre-award costs may be incurred without EPA approval; pre-award costs are undertaken at the recipient's risk. Allowable costs for Tribes are defined in OMB circular A-87. Any contracts for services or products funded with EPA financial assistance must be awarded under the competitive procurement provisions of 40 CFR Part 31. Sub-awards/sub-grants must be consistent with the definitions of the terms 40 CFR 31.37, Sub-grants as applicable.

Reporting: Quarterly project status reports and Financial Status Reports will be required. Quarterly project reports should describe project activities and provide the EPA Project Officer with information about project development. The Financial Status Report must accurately account for all federal funds expended and identify appropriate use of federal funds.

Disputes: Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005) which can be found at:

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-1371.pdf>

Copies of these procedures may also be requested by contacting the Agency Contact listed below.

VII. Agency Contact Information

For additional information or questions regarding this announcement, please contact:

Kate Nooney
Phone: (415) 947-4266
Fax: (415) 947-3519
Email: nooney.kate@epa.gov